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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,883	09/08/2003	Hitoshi Horita	035532-0134	8084

22428 7590 12/14/2004

FOLEY AND LARDNER
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

EXAMINER

VY, HUNG T

ART UNIT	PAPER NUMBER
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2821

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/656,883	HORITA ET AL.	
	Examiner	Art Unit	
	Hung T Vy	2821	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/08/2003</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Acknowledges

1. Receipt is acknowledged of the following items from the Applicant.

Information Disclosure Statement (IDS) filed on 09/08/2003. The references cited on the PTOL 1449 form have been considered.

Foreign Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan on 09/09/2002.

Specification

3. The specification has been checked to the extent necessary to determine the presence of possible minor errors. However, the applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 102

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4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

35 U.S.C. § 102(e), as revised by the AIPA and H.R. 2215, applies to all qualifying references, except when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. For such patents, the prior art date is determined under 35 U.S.C. § 102(e) as it existed prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. § 102(e)).

Claims 1-2 are rejected under 35 U. S. C. § 102 (e) as being anticipated by Washiro et al., U.S. patent No. 6,693,604.

Claim 1, Washiro et al. disclose a mobile phone antenna, comprising: a first conductive radiation element (14a) that is formed in a sheet metal conductor and resonates at a predetermined resonance frequency; a second conductive radiation element (14b) that is formed in the sheet metal conductor and resonates at the predetermined resonance frequency; a ground (26) that is connected through a conductive ground connector (24) with said second conductive radiation element (10)(See fig. 2A); wherein said ground (26) is placed such that said ground is not opposed to said first (14B) and second conductive radiation elements (14A)(See fig. 2).

Claim 2, Washiro et al. disclose a mobile phone antenna, comprising a third conductive radiation element (14c)(See fig. 12). It is inherent Washiro et al. disclose the third conductive radiation element resonates at a second resonance frequency because Washiro et al. disclose on fig. 14 with two resonates.

Claim Rejections - 35 U.S.C. § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 3 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Washiro et al., U.S. patent No. 6,693,604.

Claim 3, Washiro et al. disclose all limitations of invention except for the third conductive element is disposed at right angle to a surface in which said first and second conductive radiation elements are formed. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have third conductive radiation element is disposed at right angle because Washiro et al. disclose for additional advantages and modifications will have different modifications (column 11, line 22-28). Furthermore, since it has been held that the provision of adjustability, where needed, involves only routine skill in the art. In re Stevens, 101 USPQ 284 (CCPA 1954).

7. Claims 4-9 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Washiro et al., U.S. patent No. 6,693,604 in view of Maoz et al., U.S. Pub. 2004/0125029.

Claim 4, Washiro et al. disclose all limitations of invention except for conductive ground connector and second ground. However, Maoz et al. disclose the first ground

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(113), conductive ground connector (117) and second ground (116)(See abstract, paragraph 0008 and fig. 11) and second ground being capable of rotating in the range of a predetermined angle from a position that said second ground faces in parallel said first ground (paragraph 0055-0056). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify Wahiro et al. to have conductive ground connector and second ground as taught by Maoz et al. The motivation for doing so would have been to provide the second ground and conductive ground connector in order to load the antenna in radio frequency band and thereby to enhance operating efficiency of the antenna (see paragraph 0010).

Claims 5-8, Wahiro et al. disclose a coupling adjuster has a length, a width and said clearance to be adjusted such that said mobile phone antenna has a predetermined resonance frequency and bandwidth (see column 11, line 13-20).

Claim 9 adds in claim 4 " a pair of housing foldable, comprising a first ground that is installed in one of said pair of housings; a second ground that is installed in the other of said pair of housings" which Maoz et al. disclose on fig. 11.

Conclusion

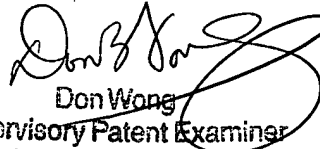
8. When responding to the office action, Applicants are advised to provide the examiner with the line numbers and page numbers in the application and/or references cited to assist the examiner to locate the appropriate paragraphs.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Vy whose telephone number is (571) 272-1954. The examiner can normally be reached on Monday-Friday 8:30 am - 5:30pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 308-7722 for After Final communications.

Information regarding the status of an application may be obtained from the patent Application Information Retrieval (PAIR) system. Status information for published application may be obtained from either private Pair or Public Pair. Status information for unpublished applications is available through Private Pair only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have question on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hung T. Vy
Art Unit 2828
December 06, 2004


Don Wong
Supervisory Patent Examiner
Technology Center 2800